

REMARKS

Applicant appreciates the thoroughness of the examination of the present application and offers the following remarks to accompany the preceding amendments. However, before addressing the rejections specifically, Applicant provides a summary of the invention so that the rest of the remarks are presented in their proper context.

The present invention is directed to a mobile terminal, preferably a cellular telephone that automatically learns travel routes associated with a user and anticipatorily provides traffic information relating to these learned routes. To do so, the mobile terminal requests information from a remote source and then provides the information to the user. In contrast, the reference of record, Oshizawa et al., is not a cellular telephone and has no affirmative request as will be explained in greater detail below.

Claims 1-13 and 15-51 were rejected under 35 U.S.C. § 102(e) as being anticipated by Oshizawa et al. Applicant respectfully traverses. For an anticipation rejection to be proper, the Patent Office must show where each and every claim element is located. Further, the elements of the reference must be arranged as claimed. MPEP § 2131. If the Patent Office cannot show this identical arrangement of claim elements, then the claims are allowable over the rejection of record.

Claim 1, as amended, recites "requesting through a mobile terminal." Oshizawa et al. does not show this element. Oshizawa et al., in relevant part, discloses an FM radio receiver that continuously receives traffic information from the traffic management center 6. As explained in paragraph 15, the local radio station sends out the real time traffic information messages. However, nowhere in the reference is there any teaching or suggestion that the radio receiver of the reference ever makes a request. To this extent, the claim includes an element which is not disclosed by the reference and thus, an anticipation rejection is not proper.

Claims 2-13 and 15-19 depend from claim 1, including the elements of the underlying independent claim. Since claim 1 is not anticipated, claims 2-13 and 15-19 are not anticipated. Claims 11 and 18 have been amended to conform to the language in claim 1. Claims 12 and 15 has been amended to include a missing "and;" no new matter is added by the amendment to claims 12 and 15.

Claim 20, as amended, recites that the provision of the traffic information is done after receiving a request from the user's mobile terminal. As explained above, Oshizawa et al. does

not teach or suggest the radio receiver requesting information, and thus, there can be no provision of information after receiving a request from the user's mobile terminal. Thus, the reference does not show this claim element, and the claim is not anticipated.

Claims 21-25 depend from claim 20, including the elements of the underlying independent claim. Since claim 20 is not anticipated, claims 21-25 are not anticipated. Claims 22-24 have been amended to conform to underlying claim 20.

Claim 26, as amended, recites that the traffic information query is received from a user's cellular telephone. Oshizawa et al. does not disclose a cellular telephone. Oshizawa et al. has an FM receiver which monitors FM radio frequencies. Thus, Oshizawa et al. does not teach the recited query from the cellular telephone. Since Oshizawa et al. does not disclose a claim element, the claim is not properly anticipated by Oshizawa et al.

Claim 27, as amended, also recites that the location corresponds to the location of the user's cellular telephone. As discussed above, Oshizawa et al. does not disclose a cellular telephone. To this extent, the claim is not anticipated.

Claims 28-31 depend from claim 27, including the elements of the underlying independent claim. Since claim 27 is not anticipated, claims 28-31 are not anticipated. Claim 30 has been amended to indicate that the traffic information is adapted to be delivered to the user's cellular telephone. This element is clearly not shown by the reference since Oshizawa et al.'s delivery is a radio broadcast, not a cellular transmission suitable to be delivered to the user's cellular telephone.

Claim 32, as amended, recites requesting traffic information via the mobile terminal. As explained above, Oshizawa et al.'s radio receiver does not request anything. Oshizawa et al.'s receiver monitors the FM spectrum and extracts information therefrom, but there is no requesting. Thus, the claim includes an element which is not shown by the reference and an anticipation rejection is not proper.

Claims 33-36 depend from claim 32, including the elements of the underlying independent claim. Since claim 32 is not anticipated, claims 33-36 are not anticipated.

Claim 37, as amended, recites that it is the location of a cellular telephone whose location is periodically recorded. Oshizawa et al. does not teach this element. The FM radio receiver of Oshizawa et al. may learn a route, but that is not the same thing as the recited cellular telephone. Thus, Oshizawa et al. does not teach a claim element, and the claim is not anticipated.

Claims 38-40 have been amended to conform to the language of claim 37. Claims 38-40 depend from claim 37, including all the elements of the underlying independent claim. Since claim 37 is not anticipated, claims 38-40 are not anticipated.

Claim 41 has not been amended because, as originally presented, claim 41 recited the traffic information logic that formed queries for transmission to the remote communications network. As explained above, nothing in Oshizawa et al. teaches or suggests that the FM receiver forms or transmits any queries. Rather, the reference teaches that the FM stations continuously broadcast traffic information, obviating the need for a query. Since Oshizawa et al. does not teach the query from the mobile terminal to the remote communications network, the claim is not anticipated.

Claims 42-50 depend from claim 41, including all of the elements of the underlying independent claim. Since claim 41 is not anticipated, claims 42-50 are not anticipated.

Claim 51 has not been amended because, as originally presented, claim 51 recited that the traffic information server provides information in response to receiving queries from the mobile terminals. As explained above, Oshizawa et al. does not query the traffic information server. Oshizawa et al. continuously broadcasts on the FM channels, eliminating any need for a query. Thus, Oshizawa et al. does not disclose a claim element, and the claim is not anticipated.

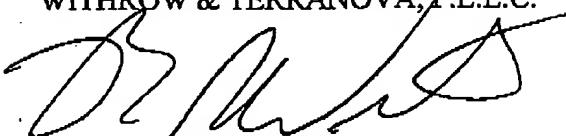
Claim 14 was rejected under 35 U.S.C. § 103 as being unpatentable over Oshizawa et al. Applicant respectfully traverses. For the Patent Office to establish *prima facie* obviousness, the Patent Office must show where each and every claim element is located. MPEP § 2143.03. If the Patent Office cannot show where each and every claim element is taught or suggested, then the claim is non-obvious. In the present case, claim 14 depends from claim 1 through claims 12 and 13. Nothing in Oshizawa et al. suggests the requesting through the mobile terminal, so the claim is not obvious over Oshizawa et al. Since claim 1 is not obvious over Oshizawa et al., claim 14, which depends therefrom, is not obvious over Oshizawa et al.

Applicant requests reconsideration of the rejections in light of the amendments and arguments presented herein. Specifically, the Oshizawa et al. reference does not teach a mobile terminal requesting the traffic information. Applicant earnestly solicits claim allowance at the Examiner's earliest convenience.

Respectfully submitted,

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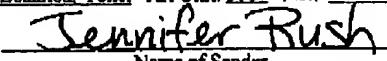


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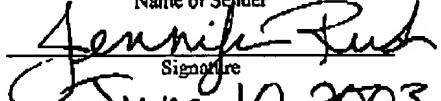
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